

IN THE MATTER OF:  
DANA YOUNG  
1012 MIDDLEBOROUGH ROAD  
BALTIMORE, MD 21221

RE: DENIAL OF RESERVED  
HANDICAPPED PARKING SPACE

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No. CBA-21-012

\* \* \* \* \*

### OPINION

This case comes to the Board of Appeals (the "Board") as the result of the denial of an application for reserved handicapped parking space at 1012 Middleborough Road, Baltimore, Maryland 21221 (the "Property"), as set forth by letter dated October 27, 2020, from Michael F. Filsinger, Chief of the Baltimore County Division of Traffic Engineering (DTE) to Mr. Earl Beville, Assistant Manager, Investigative and Internal Affairs, Motor Vehicle Administration (MVA). (Exhibit 6). A copy of that letter was sent to Applicant/Appellant, Dana Young ("Ms. Young"), along with a copy of the County Policy with respect to handicapped parking spaces. Ms. Young noted a timely appeal to this Board.

The Board held a virtual public hearing on January 7, 2021. Baltimore County (the "County") was represented by Howard Daue, a Traffic Inspector for the Baltimore County DTE. Ms. Young represented herself.

Mr. Daue testified that his office received an MVA Application for Personal Residential Permit for Reserved Parking Space for Ms. Young dated October 9, 2020. (Exhibit 1). Mr. Daue visited and inspected the Property on October 15, 2020 and took photographs of the rear and the front of the Property (Exhibits 2A and 2B respectively).

The Property is an end of group of rowhouses on Middleborough Road in the Essex area. Exhibit 2A shows a rear parking pad enclosed by a chain link security fence with a double

swinging gate. The County accepted the MVA's verification of physical disability and did not contest Ms. Young's disabilities which, as further documented by Ms. Young, are rheumatoid arthritis, Sjogren's syndrome, chronic pain, and fibromyalgia.<sup>1</sup> Based upon Baltimore County Policy on Reserved Parking Spaces for Persons with Physical Disabilities<sup>2</sup> (the "BC Policy") (Exhibit 5), the County concluded that Ms. Young did not meet the requirements for a reserved parking space because Section 3B of the BC Policy indicates that having a self-contained off-street space is a disqualifying circumstance.<sup>3</sup> Mr. Daue testified that Ms. Young's rear parking pad constituted a self-contained off-street parking area, and accordingly, Mr. Daue indicated that the application was denied pursuant to BC Policy Section 3(B). (Exhibit 5).

Ms. Young testified for herself. As reflected above, Exhibit 2A depicts the rear of her house. There is a rear parking pad which could, by size, accommodate her automobile. The rear entrance is accessed by one step though there is no handrail and no roof or awning over the rear door. Exhibit 2B reflects the front of her home. There are five steps and a right-side handrail for the front entrance which is under a covered porch. Ms. Young testified that she is quite concerned about access to the rear entrance through the alley and the security gate during snow events and lingering snow accumulation. She also indicated that it is difficult to stop her car, exit the vehicle, open the gate, drive into the parking pad, and then close the gate. The Board recognizes that this can be an arduous task for someone with her disabilities.

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<sup>1</sup> The record contains communications from two separate physicians documenting Ms. Young's condition.

<sup>2</sup> The Ann. Code of Md., Transportation Article, Section 21-1005 authorizes the State Department of Motor Vehicles to issue on-street reserved parking for persons with physical disabilities. That same section delegates approval of such a reserved space for Baltimore County residents to the Baltimore County DTE. (Exhibit 4).

<sup>3</sup> Section 3B comports with the State regulation to the same effect. See COMAR 11.16.06. (Exhibit 3).

While this Board has never hesitated to reverse the County's decision in reserved handicap situations, in this instance, the Board affirms the County's assessment. The difficulties caused by snow accumulation are never enough to justify ignoring an available off-street parking area. The greater Baltimore area simply does not receive enough snowfall to make this problem anything more than an occasional inconvenience. In terms of opening the rear gate, Ms. Young testified that she almost always, if not always, drives with a companion. Certainly, the companion can open and close the gate. Ms. Young testified that it is difficult for her to negotiate both going into and out of her parking pad, but the Board found this testimony lacked clarity and, in any event, was unconvincing.

The Board concludes that Ms. Young does have an available rear parking pad for the reasons stated above, and Section 3(B) disqualifies Ms. Young's application. There are no special circumstances that would justify DTE granting an exception under Section 3(G).

Reversal of a decision of the Baltimore County DTE with respect to handicapped parking spaces, requires that the Board find that the Applicant meets **all** of the conditions set forth in Section 8 of the BC Policy referred to above as reflected in Exhibit 5. The conditions are as follows:

(A) The applicant and/or their household has taken all reasonable measures to make the off-street parking area usable and available to the disabled applicant.

(B) The disability of the applicant is of such a severe degree that an extreme hardship would exist if the applicant were to use the available off-street parking.

(C) The approval of a reserved on-street space is determined to be one of medical necessity and not one of mere convenience for the applicant.

(D) The hardships placed on the applicant's neighbors by reserving an exclusive on-street space for the applicant is outweighed by the hardship that would be placed on the applicant if the space were not approved.

Based on the evidentiary record before the Board, Ms. Young has not satisfied Sections (B) and (C) in the use of her rear parking area would not be an "extreme" hardship and the sought after reserved on-street parking is more for convenience than medical necessity.<sup>4</sup> Accordingly, the decision of the Baltimore County Division of Traffic Engineering (DTE) shall be affirmed and the application for the reserved handicapped parking space shall be denied.

**ORDER**

**THEREFORE, IT IS THIS** 4<sup>th</sup> day of February, 2021, by the Board of Appeals of Baltimore County,

**ORDERED** that the decision of the Division of Traffic Engineering in the letter dated October 27, 2020, from Michael F. Filsinger, Chief of the Baltimore County Division of Traffic Engineering ("DTE") to Mr. Earl Beville, Assistant Manager, Investigative and Internal Affairs, Motor Vehicle Administration (MVA) denying Dana Young's application for a reserved handicapped parking space at 1012 Middleborough Road, Baltimore, MD 21221, be, and the same hereby is, **AFFIRMED**; and it is further,

**ORDERED** that the application of Dana Young for a reserved handicapped parking space at 1012 Middleborough Road, Baltimore, MD 21221, be, and the same hereby is, **DENIED**.

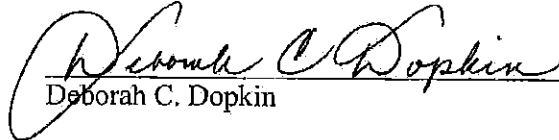
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<sup>4</sup> By citing to Section (C), the Board does not mean to suggest that Ms. Young's medical condition is not serious. Indeed, the Board is quite sympathetic to her situation. It is simply the Board's assessment that a reserved on-street spot is, under these circumstances, more a matter of convenience for Ms. Young and is not necessitated by her undeniably serious medical condition.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY

**BOARD OF APPEALS  
OF BALTIMORE**

  
Deborah C. Dopkin

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William A. McComas

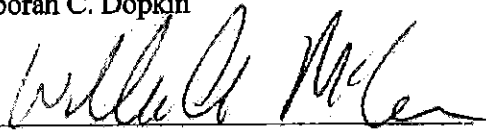
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Joseph L. Evans

**In the Matter of Dana Young/CBA-21-012**

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**BOARD OF APPEALS  
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## Board of Appeals of Baltimore County

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February 4, 2021

Dana Young  
1012 Middleborough Road  
Baltimore, Maryland 21221

RE: *In the Matter of: Dana Young*  
Case No.: CBA-21-012

Dear Ms. Young:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington Han".

Krysundra "Sunny" Cannington  
Administrator

KLC/taz  
Enclosure

- c. Earl Beville, Assistant Manager/Investigative & Security Division/Motor Vehicle Administration  
Greg Carski, Chief/Division of Traffic Engineering  
D'Andrea L. Walker, Acting Director/Department of Public Works  
Nancy C. West, Assistant County Attorney/Office of Law  
James R. Benjamin, Jr., County Attorney/Office of Law